

To assist the committee in its function as arbitrator, the committee may employ an attorney, certified public accountant, and any other person(s) to be of assistance in the arbitration of any matter before the committee. The expenses of the committee, including those of the persons employed to be of assistance to the committee, shall be borne equally by the two (2) foregoing nominating parties. Except as herein provided, the provisions of Article 45A of Chapter 1 of the North Carolina General Statutes will apply in arbitration proceedings.

In any determination of value made after the death of a Shareholder, the value of any insurance proceeds received by the Corporation as the result of the Shareholder's death shall not be taken into consideration.

13. INVALID PROVISION - The invalidity or unenforceability for any reason of any particular provision or provisions of this Agreement shall not affect the other provisions hereof, and the Agreement shall be construed in all respects as if such invalid and unenforceable provisions were omitted.

14. MISCELLANEOUS - The paragraph headings are for the convenience of reference only and shall not be considered terms of this Agreement. Whenever required by the context, the masculine gender shall include the feminine; the singular the plural, and vice-versa.

15. ENTIRE AGREEMENT - The parties hereto hereby do agree that no representations or inducements have been made other than those expressed herein and that this Agreement contains the entire agreement between all parties hereto.

16. GOVERNING LAW AND VENUE - This Agreement is executed in the County of Craven, State of North Carolina, and the parties hereto agree that without regard to principles of conflicts of laws, the internal laws of the State of North Carolina shall govern and control the validity, interpretation, performance and enforcement of this Agreement. The parties hereto agree that any action relating to this Agreement shall be instituted and

prosecuted in the courts of the County of Craven, State of North Carolina and each party hereto hereby does waive any and all defenses relating to venue and jurisdiction over the person.

IN WITNESS WHEREOF, the individual parties hereto have executed this Agreement by subscribing their names and adopting as their respective seals the typewritten word "SEAL" appearing beside their names, and the Corporation has caused this instrument to be executed in its corporate name by its President, attested by its Secretary and its corporate seal to be affixed hereto, all by order of its board of directors duly given, as of the day and year first above written.

Edward L. Bolding Sr. (SEAL)  
Edward L. Bolding Sr.

Ramona G. Bolding (SEAL)  
Ramona G. Bolding

Theresa Schreiber (SEAL)  
Theresa Schreiber

Paul Schreiber (SEAL)  
Paul Schreiber

SPARTAN BROADCASTING, INC.

By: Edward L. Bolding Jr. President

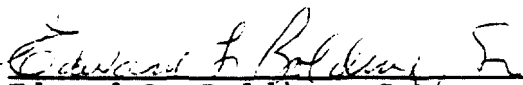
ATTEST:

Thomas L. Moore  
Thomas L. Moore, Secretary


90-0003(A)  
9SME  
3-23-90  
90-03-01419

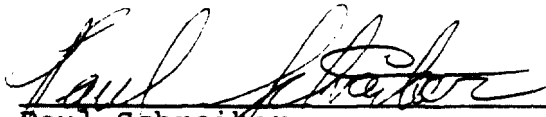
SCHEDULE A

The undersigned mutually agree on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, for the purposes of this Agreement of Shareholders, each such share of the Corporation has a value of \_\_\_\_\_ Dollars (\$\_\_\_\_\_).


  
Edward L. Bolding, Sr.  
Shareholder

  
Ramona G. Bolding  
Shareholder

  
Theresa Schreiber  
Shareholder

  
Paul Schreiber  
Shareholder

SPARTAN BROADCASTING, INC.

By:   
President

ATTEST:

  
Secretary

90-0003(A)  
9SME  
03-23-90  
90-03-01565

SHAREHOLDERS LEDGER  
OF  
SPARTAN BROADCASTING, INC.  
MARCH 12, 1990

<u>CERT. NO.</u>	<u>NAME</u>	<u>DATE</u>	<u>NO. SHARES</u>	<u>STATUS</u>
1	Edward L. Bolding, Sr. and Ramona G. Bolding	3/12/90	70,000	Active
2	Theresa Schreiber and Paul Schreiber	3/12/90	30,000	Active
		TOTAL ISSUED	100,000	

90-0003(A)  
23ABA  
90-04-01322

CONSENT OF SHAREHOLDERS  
OF  
SPARTAN BROADCASTING, INC.  
TO ACTION WITHOUT MEETING

COPY

We, the undersigned, being all of the shareholders of Spartan Broadcasting, Inc., hereby do adopt the following resolutions by signing our written consent thereto, and by the execution of these minutes, hereby do waive any and all formalities of meeting, including but not limited to notice, time, date, place and purpose of said meeting.

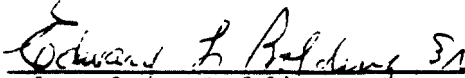
ELECTION OF DIRECTORS


WHEREAS, the shareholders of the corporation desire to elect directors of the corporation to serve as such until their successors shall have been duly elected and qualified.

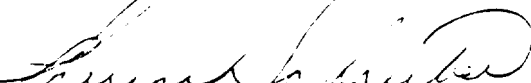
NOW, THEREFORE, BE IT HEREBY RESOLVED, that the following persons be, and they hereby are, elected as directors of the corporation to serve as such until their successors shall have been duly elected and qualified:


Edward L. Bolding, Sr.  
Edward L. Bolding, Jr.  
Theresa Schreiber

This action is effective as of the 12th day of March, 1990.

  
Edward L. Bolding, Sr., Shareholder

  
Ramona G. Bolding, Shareholder

  
Theresa Schreiber, Shareholder

  
Paul Schreiber, Shareholder

90-0003(A)  
14ADCR/14  
90-03-0901

DISPENSE

BAPH 900716 HJ

CERTIFIED COPY OF CORPORATE RESOLUTIONS  
OF  
SPARTAN BROADCASTING, INC.

I hereby certify that I am the duly elected and qualified Secretary of Spartan Broadcasting, Inc., a corporation organized and existing under the laws of the State of North Carolina; that the following is a true copy of the resolutions duly adopted by the Board of Directors of the said corporation effective the 16th day of July, 1990; and that such resolutions are in full force and effect and have not been amended or rescinded:

ELECTION OF OFFICERS

WHEREAS, Thomas L. Moore has been removed effective this date from his offices as Vice President and Secretary of the Corporation; and,

WHEREAS, the Board of Directors of the Corporation desires to elect officers of the Corporation to fill the vacancies thus created and to serve as such until their successors shall have been duly elected and qualified.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the following persons be, and they hereby are, elected as officers of the Corporation to serve as such until their successors shall have been duly elected and qualified:

Edward L. Bolding, Jr.	President
Theresa Schreiber	Vice President
Edward L. Bolding, Sr.	Secretary
Kim Sawyer	Assistant Secretary

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary and have caused the Corporate Seal of said corporation to be affixed hereto, this the 31<sup>ST</sup> day of July, 1990.

Edward L. Bolding, Sr.  
Edward L. Bolding, Sr.  
Secretary

90-0003(A)  
17DBH  
90-07-02433

WARD AND SMITH, P.A., ATTORNEYS AT LAW

## ASSIGNEE'S LEGAL QUALIFICATIONS

TABLE I PARTIES TO APPLICATION

5. (a) Complete Table I with respect to the assignee. (Note: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement).

**INSTRUCTIONS:** If applicant is an individual, fill out column (a) only. If applicant is a partnership, fill out columns (a), (b) and (d), state as to each general or limited partner (including silent partners) (a) name and residence, (b) nature of partnership interest (i.e., general or limited), and (d) percent of ownership interest. If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or owner interest or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or owner interest except that if such entity is a bank, insurance company or investment company (as defined by 15 U.S.C. §80a-3) which does not invest for purposes of control, the stock, membership or owner interest need only be reported if 5% or more

Applicants are reminded that questions 5 through 7 of this Section must be completed as to all "parties to this application" as that term is defined in the instructions to Section II of this form.

Name and Residence (Home) Address(es)	Nature of Partnership Interest or Office Held	Director or Member of Governing Board		% of: Ownership (O) or Partnership (P) or Voting Stock (VS) or Membership (M)
		YES	NO	
(a)	(b)	(c)		(d)
Edward L. Bolding, Sr. 3435 Bayshore Blvd. Suite 1000 Tampa, FL 33629	Shareholder, Secretary, Director	X		70% (joint ownership with Ramona Bolding)
Ramona G. Bolding 3435 Bayshore Blvd. Suite 1000 Tampa, FL 33629	Shareholder		X	70% (joint ownership with Edward L. Bolding, Sr.)
Paul Schreiber 8843 Hawthorne Ave. Surside, FL 33154	Shareholder		X	30% (joint ownership with Theresa Schreiber)
Theresa Schreiber 8843 Hawthorne Ave. Surfside, FL 33154	Shareholder, Vice President, Director	X		30% (joint ownership with Paul Schreiber)
Edward L. Bolding, Jr. 13812 Cypress Village Circle Tampa, FL 33624	President, Director	X		0% (0)
Kimberly Sawyer P. O. Box 254 Alliance, NC 28509	Assistant Secretary		X	0% (0)

### ASSIGNEE'S LEGAL QUALIFICATIONS

TABLE 1 (cont'd)

## PARTIES TO APPLICATIONS

Name and Residence (Home) Address(es)	Nature of Partnership Interest or Office Held	Director or Member of Governing Board		% of: Ownership (O) or Partnership (P) or Voting Stock (VS) or Membership (M)
		YES	NO	
		(c)		
(a)	(b)			(d)



ORIGINAL

PATTON, BOGGS & BLOW

2550 M STREET, N.W.  
WASHINGTON, D.C. 20037  
(202) 457-6000

ITT TELEX: 440324  
TRT TELEX: 197780  
TELECOPIER: 457-6315

April 6, 1990

APR 18 3 10 PM '90

WRITER'S

(202) 457-6313

BY HAND

RECEIVED

APR 6 1990

FCC  
FEE SECTION

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of Theresa Schreiber, Permittee of WJCS-FM, Bayboro, North Carolina, I enclose an original and two copies of FCC Form 302. Also enclosed is a check for \$100.00 to cover the application fee.

If I can provide further information, please let me know.

Cordially,

*Penelope Farthing*  
Penelope S. Farthing

PSF/jed  
Enclosures

cc: Theresa Schreiber  
Warren Powis  
Chris Burke  
WJCS

RECEIVED  
FBI  
FM EXAMINERS

APPLICATION FOR NEW BROADCAST STATION LICENSE

(Carefully read instructions before filling out Form)

RETURN ONLY FORM TO FCC

ORIGINAL

For Commission Fee Use Only

FEE NO: 03013346

FEE TYPE: MFL

FEE AMT: 100.00

ID SEQ: 11

For Applicant Fee Use Only

Is a fee submitted with application? **Yes** ☒ **No** ☐ **APR 18 3 10 PM '90**

If No, indicate reason therefor (check one box):

- ☐ Nonfeeable application  
☐ Fee Exempt (See 47 C.F.R. Section 1.1112)  
☐ Noncommercial educational licensee  
☐ Governmental entity

REC'D  
APR 18 1990  
FCC  
FEE SECTION

SECTION I - GENERAL DATA

For Commission Use Only

File No. BLH-900406KC

Legal Name of Applicant Theresa Schreiber	Mailing Address 8843 Hawthorne Avenue		
	City Surfside	State FL	Zip Code 33154
	Telephone No. (include area code) (305) 864-3525		

1. Facilities authorized by construction permit

This application is for: ☐ Commercial ☐ Noncommercial  
☐ AM Directional ☐ AM Non-Directional ☐ FM Directional ☒ FM Non-Directional ☐ TV

Call Letters WJCS	Community of License Bayboro, N.C.	Construction Permit File No. BPH 860918 ML	Modification of Construction Permit File No(s). BMPH-890714IC	Expiration Date of Last Construction Permit 5 April 90
----------------------	---------------------------------------	--	---	--

2. Is the station now operating pursuant to automatic program test authority in accordance with 47 C.F.R. Section 73.1620? ☒ Yes ☐ No

If No, explain.

3. Have all the terms, conditions, and obligations set forth in the above described construction permit been fully met? ☒ Yes ☐ No

If No, state exceptions.

4. Apart from the changes already reported, has any cause or circumstance arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application to be now incorrect? ☐ Yes ☒ No

If Yes, explain.

5. Has the permittee filed its Ownership Report (FCC Form 323) or ownership certification in accordance with 47 C.F.R. Section 73.3615(b)? ☐ Yes ☐ No

If No, explain.

☒ Does not apply

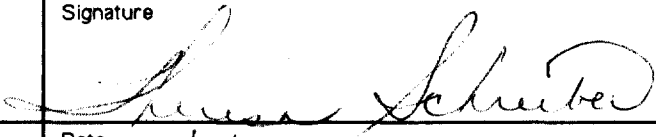
Applicant is a sole proprietorship and therefore exempt from requirements concerning ownership reports.

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

#### CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant  Theresa Schreiber	Signature 
Title Permittee	Date 4/1/90

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,  
U.S. CODE, TITLE 18, SECTION 1001.**

#### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authorization.

**THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.**

Name of Applicant

THERESA SHREIBER

Information not supplied here is already  
on file on FCC form 301 filed July 14, 1989.

1. Facilities authorized in construction permit

No change since date of filing.

Call Sign <b>WJCS</b>	Frequency <b>97.9 MHz</b>	Antenna height above average terrain
File No. of construction permit <b>BMPH-890714 IC</b> <b>BPH 860918 MU</b>	Effective radiated power in kilowatts  Horizontal <b>2.75</b> Horizontal maximum _____ Vertical <b>2.75</b> Vertical maximum _____	Horizontal <b>104</b> meters Vertical <b>104</b> meters

2. Station location

State <b>NORTH CAROLINA</b>	City or Town <b>BAYBORO</b>
--------------------------------	--------------------------------

3. Transmitter location

State <b>NORTH CAROLINA</b>	County <b>PAMLICO</b>	City or town <b>GRANTSBORO</b>	Street Address (for other identification) <b>HWY 55 3 miles west of HWY 306</b>
--------------------------------	--------------------------	-----------------------------------	---

4. Main studio location

State <b>NORTH CAROLINA</b>	County <b>PAMLICO</b>	City or town <b>BAYBORO</b>	Street Address <b>HOOKEERLAND SHOPPING CENTER HWY 55 WEST</b>
--------------------------------	--------------------------	--------------------------------	--

5. Remote Control point location

State <b>NORTH CAROLINA</b>	City or town <b>BAYBORO</b>	Street Address (for other identification) <b>HOOKEERLAND SHOPPING CENTER HWY 55 west</b>
--------------------------------	--------------------------------	---

6. Operating constants:

D.C. plate current in last radio stage, in amperes <b>1.31</b>	Applied D.C. voltage in last radio stage, in volts <b>6800</b>	Efficiency Factor F of transmitter at operating power in percent <b>80.7%</b>	Transmitter power output, in kW by indirect method <b>7.19 KW</b>	RF transmission line meter reading <b>7.19 KW</b>
---	---	---	--	---

7. Antenna

Antenna make and type No. <b>ERI FM-H</b>	Number of Sections <b>1</b>	Power gain <b>.4611</b>
--	--------------------------------	----------------------------

	HORIZONTAL	VERTICAL
Height of antenna radiation center above ground and mean sea level:	<b>102</b> meters (AGL)	<b>102</b> meters (AGL)
	<b>109.6</b> meters (AMSL)	<b>109.6</b> meters (AMSL)

Geographical Coordinates of antenna (to nearest second)

North latitude <b>35 ° 07 ' 55 "</b>	West longitude <b>76 ° 52 ' 32 "</b>
---	---

Description of antenna supporting structure

<b>SWAGER UNIFORM CROSS-SECTION GUYED TOWER</b>	Elevation in meters of the top of supporting structure above ground (including antenna and other appurtenances and lighting, if any) <b>193</b>
---	---

8. Transmission line


Make <b>ANDREW</b>	Type <b>HJ7-50A</b>	Description <b>AIR DIELECTRIC HELIAX</b>
-----------------------	------------------------	---

Size: (nominal inside transverse dimension) in centimeters <b>4.14 cm</b>	Length in meters <b>120.4</b>	Rated efficiency in percent for this length <b>83.0%</b>
--	----------------------------------	--

9. In what respect, if any, does the apparatus constructed differ from that described in the application for construction permit or in the permit? Attach exhibits to show compliance with all conditions on construction permit.

NONE

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Name (Please Print or Type)  DAVID GERNOSKE	Signature (Check appropriate box below) 
Address (Include ZIP Code)  RT 2 BOX 571 AB MOREHEAD CITY, NC 28557	Date  APRIL 2, 1990
	Telephone No. (Include Area Code)  (919) 726-7900

☐ Technical Director

☐ Registered Professional Engineer

☒ Chief Operator

☐ Technical Consultant

☐ Other (specify)

*Folder Copy*



**FEDERAL COMMUNICATIONS COMMISSION**  
**FM BROADCAST STATION CONSTRUCTION PERMIT**

Official Mailing Address:

-----  
THERESA SCHREIBER  
BOX 22-3114  
HOLLYWOOD, FL 33022  
-----

Authorizing Official:

*per [Signature] Grant, Asst. Dir.*  
Larry D. Eads  
Chief,  
Audio Services Division  
Mass Media Bureau

Grant Date: OCT 05 1989

Call sign: 860918MU

This permit expires 3:00 am.  
local time 06 months after  
grant date specified above

Permit File No.: BMPH-890714IC

This permit modifies Permit No.: 860918MU

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

This permit shall be automatically forfeited if the station is not ready for operation within the time specified (date of expiration) or within such further time as the Commission may allow, unless completion of the station is prevented by causes not under the control of the permittee. See Sections 73.3598, 73.3599 and 73.3534 of the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of permittee:

THERESA SCHREIBER

Station Location:

NC-BAYBORO

Frequency (MHz): 97.9

Channel: 250

Call sign: 860918MU

Permit No.: BMPH-890714IC

Class: A

Hours of Operation: Unlimited

Transmitter location (address or description):

NC-HIGHWAY 55, 3.2 KILOMETERS WEST OF GRANTSBORO.

Transmitter: Type accepted. See Sections 73.1660, 73.1665 and 73.1670  
of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: (directional or non-directional): Non-directional

Antenna coordinates: North Latitude: 35 07 55.0  
West Longitude: 76 52 32.0

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the horizontal plane (kW) . . . . . :	2.75	2.75
Height of radiation center above ground (meters) . . . . . :	102.0	102.0
Height of radiation center above mean sea level (meters) . . . . . :	110.0	110.0
Height of radiation center above average terrain (meters) . . . . . :	104.0	104.0
Overall height of antenna structure above ground (including obstruction lighting, if any) . . . . . :	193.0 meters	

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

Paragraph 1.0, FCC Form 715 (March 1978):

Antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be equal and approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 100 feet nor less than 1 and 1/2 feet in width. All towers shall be cleaned and repainted as often as necessary to maintain good visibility.

Paragraph 3.0, FCC Form 715 (March 1978):

There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to approximately one-half of the luminous period.

Paragraph 5.0, FCC Form 715 (March 1978):

At approximately two-fifths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.



Paragraph 14.0, FCC Form 715 (March 1978):

On levels at approximately four-fifths, three-fifths and one-fifth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

Paragraph 21.0, FCC Form 715 (March 1978):

All lighting shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

Paragraph 22.0, FCC Form 715 (March 1978):

During construction of an antenna structure, for which obstruction lighting is required, at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any normal angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

**PATTON, BOGGS & BLOW**

2550 M STREET, N.W.  
WASHINGTON, D.C. 20037-1350  
(202) 457-6000

TELECOPIER: 457-6315  
TRT TELEX: 197780

280 WEST PRATT STREET  
BALTIMORE, MARYLAND 21201  
(301) 658-5600

700 RALEIGH FEDERAL SAVINGS  
BANK BUILDING  
RALEIGH, NORTH CAROLINA 27602  
(919) 832-4111

104 NORTH ELM STREET  
GREENSBORO, NORTH CAROLINA 27401  
(919) 273-1733

101 EAST KENNEDY BOULEVARD  
TAMPA, FLORIDA 33602  
(813) 222-8888

September 26, 1989

WRITER'S DIRECT DIAL

(202) 457-6313

BY HAND

Mr. Chris Jackson  
Federal Communications Commission  
Room 332  
1919 M Street, N.W.  
Washington, D.C. 20554

**RECEIVED**

SEP 27 1989

**FM BRANCH**

Re: Application of Theresa Schreiber

Dear Mr. Jackson:

This is in response to your telephone request this morning for additional information about the circumstances surrounding Mrs. Schreiber's application. I enclose a copy of a letter I wrote to the Commission on May 22, 1989 recounting difficulties Mrs. Schreiber had encountered in locating a tower site. I trust the information contained in this letter responds satisfactorily to your questions. Please give me a telephone call after you have received this letter and we can discuss the Schreiber situation in greater detail.

Thank you for your consideration.

Sincerely yours,

  
Penelope S. Farthing

PSF/jed  
Enclosure

**PATTON, BOGGS & BLOW**  
2550 M STREET, N.W.  
WASHINGTON, D.C. 20037-1350  
(202) 457-6000  
TELECOPIER 457-6315  
TRT TELEX: 197780

JAMES R. PATTON, JR.  
GEORGE BLUM  
JOHN L. BASSO  
THOMAS HALE BOGGS, JR.  
TIMOTHY J. BAY  
HARRY A. BROWN  
ELBERT H. CARR  
J. GERRARD KIMMICKLE  
WILLIAM C. KOSTER  
DAVID C. TORDO  
RICHARD A. EARLE  
ROBERT S. CHRISTIAN, JR.  
ROBERT H. GOSCHLER  
DAVID S. HARRISON  
JOHN H. VANCE  
ALLAN ARTHUR TUTTLE  
BART S. PETERSON  
JOHN L. OSENDORFER

LARRY J. DAVIS  
DOMENICO DE SOLE  
TIMOTHY A. VANDERVER, JR.  
JOHN F. WOODS  
TIMOTHY A. GERRARD  
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WILLIAM A. MARTIN  
GARRETT G. RICHARDSON  
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J. KIRK WAGE  
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STEVEN M. SCHNEIDBAUM  
CLIFF MASSA III  
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DONALD V. MOOREHEAD

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700 RALEIGH FEDERAL SAVINGS  
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(919) 273-1733  
  
101 EAST KENNEDY BOULEVARD  
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FRANK R. SAMOLIS  
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RICHARD M. STOLBACH  
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GEORGE M. BORABABY  
JEFFREY T. SMITH  
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THEODORE G. KRONMILLER  
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JOHN A. MOAG, JR.  
MICHAEL P. EICH  
FLORENCE W. PROLEAU  
JUDITH BARTHOFF  
JOHN F. JONAS  
C. ALLEN FOSTER

RICHARD D. CONNER  
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ALLEN HOLT GWYN  
THOMAS J. POOLEY  
JAMES S. SCHENCK III  
ALAN M. RYKIN  
DIANE A. SLER  
ROBERT P. BRADY  
ANDREW S. NEWMAN  
RUSSELL V. RANDE  
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DAVID M. GILLEY  
GERARD F. HARRIS  
JOHN C. MARTIN  
DEBORAH M. LONGE  
MITCHELL R. BERGER  
DONALD A. PEARLMAN

WATERS DIRECT DIAL

(202) 457-6313

May 22, 1989

**BY HAND**

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: File Number BPH-860918 MU  
Request for Waiver

Dear Ms. Searcy:

We represent Mrs. Theresa Schreiber, the holder of the above-referenced construction permit. Pursuant to 47 C.F.R. § 73.3535, Mrs. Schreiber seeks a waiver of the nine-month limitation and a brief extension of time. For the reasons set forth below, we respectfully request that you grant the waiver and allow Mrs. Schreiber until May 31, 1989 to locate a suitable new site for a tower.

Mrs. Schreiber, a career broadcaster, applied for a construction permit to operate a new FM station in Bayboro, North Carolina on September 15, 1986. Her application was granted and a construction permit was issued on August 8, 1988. Since her initial application was filed over two and a half years ago, Mrs. Schreiber now has reason to believe that the site she had selected for her tower is likely to be in close proximity to a proposed residential subdivision. For that reason, Mrs. Schreiber determined to investigate an alternative site for her tower. She had selected a parcel of land and made arrangements with the owners to lease the property in the event the Commission granted the modification of her construction permit that she prepared for filing on May 8, 1989.

PATTON, BOGGS & BLOW

Ms. Donna R. Searcy  
May 22, 1989  
Page 2

In connection with a final engineering evaluation that was performed on May 8, she was distressed to learn that a serious engineering error had come to light, so that the location to which she had hoped to move the tower would not in fact comply with 47 C.F.R. § 73.315(b).

Once Mrs. Schreiber and I discovered that this engineering error would preclude her filing by the May 8 time as specified in 73.3535, I reviewed her circumstances with Michael Wagner, Supervisory Attorney, FM Branch, Mass Media Bureau, Audio Services Division, and Barbara Kreisman, Deputy Division Chief, Audio Services at the Commission in order to determine the best course of action.

Currently, Mrs. Schreiber is proceeding with due diligence to find another site that is technically feasible and complies with all the Commission's rules.

The unforeseen and wholly uncontrollable delay is unfortunate, both for Mrs. Schreiber and for the community at large. However, in accordance with section 73.3535(b) she "has taken all possible steps to expeditiously resolve the problem" and will proceed promptly with construction once an acceptable site is identified. She fully intends to build and operate this new facility.

The permittee seeks only a brief extension of time. In the interests of both fairness and the public, we respectfully seek favorable treatment of this request.

Thank you for your consideration.

Sincerely,

  
Penelope S. Farthing

PSF/jed

cc: Barbara Kreisman (by hand)  
Michael Wagner (by hand)

**PATTON, BOGGS & BLOW**

2550 M STREET, N.W.  
WASHINGTON, D.C. 20037-1350  
(202) 457-8000

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JUL 21 11 17 AM '89  
NORTH ELM STREET  
GREENSBORO, NORTH CAROLINA 27401  
(919) 273-1733

101 EAST KENNEDY BOULEVARD  
TAMPA, FLORIDA 33602  
(813) 222-8888

July 14, 1989

WINTERS DIRECT DIAL

(202) 457-6313

**BY HAND**

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of Theresa Schreiber, permittee of a newly authorized station in Bayboro, North Carolina, call sign 860918 MU, there is submitted herewith an original and two copies of FCC Form 301. By this application, the permittee seeks to relocate her tower site. Once this application has been granted, Mrs. Schreiber will immediately proceed with the construction of her station and intends to have it on the air as expeditiously as possible.

Please see BPH-860918 MU, filed on September 16, 1986, FCC Form 301. No change has been made since date of filing of this application.

Enclosed is a check for \$500 in payment of the Commission's fee. In the event there are any questions about this application, please contact me.

Sincerely,

*Penelope S. Farthing*  
Penelope S. Farthing

PSF/jed

Enclosures: FCC Form 301  
Check

cc: Theresa Schreiber  
Christopher A. Burke  
Warren Powis

RECEIVED  
JUL 21 1989  
FM EXAMINERS

RECEIVED  
890714

FCC  
FILE SECTION

Code 31 PN: 890714

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

<b>RECEIVED</b> <b>890714</b> FCC FEE SECTION	FEE NO: <b>08015260</b>	For APPLICANT Fee Use Only
	FEE TYPE: <b>MFI</b>	Is a fee submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No
	FEE AMT: <b>500.00</b>	If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	ID SEQ: <b>10</b>	FOR COMMISSION USE ONLY FILE NO. <b>BMPH-890714IC</b>

Section I - GENERAL INFORMATION

1. Name of Applicant Theresa Schreiber			Send notices and communications to the following person at the address below:		
Street Address or P.O. Box P. O. Box 22-3114			Name		
City Hollywood	State FL	ZIP Code 33022	Street Address or P.O. Box		
Telephone No. (Include Area Code) 305/454-5318			City	State	ZIP Code
			Telephone No. (Include Area Code)		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 97.9 MHZ CH 250A	(b) Principal Community	City Bayboro	State NC
--	-------------------------	-----------------	-------------

(c) Check one of the following boxes:

<input type="checkbox"/> Application for NEW station	
<input type="checkbox"/> MAJOR change in licensed facilities; call sign: .....	
<input type="checkbox"/> MINOR change in licensed facilities; call sign: .....	
<input type="checkbox"/> MAJOR modification of construction permit; call sign: .....	

File No. of construction permit: .....

☒ MINOR modification of construction permit; call sign: 860918 MU

File No. of construction permit: BPH-860918 MU  
97.9MHZ  
BMPH -890714IC NEW  
BAYBORO NC  
THERESA SCHREIBER

☐ AMENDMENT to pending application; Application file number: .....

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:	Call letters	Community of License	
		City	State

Entered  
8-7-89

**Section II - LEGAL QUALIFICATIONS**

Name of Applicant \_\_\_\_\_

Information already on file. See BPH-860918 MU

1. Applicant is: (check one box below)

- ☐ Individual                      ☐ General partnership                      ☐ For-profit corporation  
☐ Other                              ☐ Limited partnership                      ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No. \_\_\_\_\_

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date \_\_\_\_\_ Place \_\_\_\_\_

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☐ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No. \_\_\_\_\_

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☐ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No

## Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

2. Citizenship.

3. Office or directorship held.

4. Number of shares or nature of partnership interests.

5. Number of votes.

6. Percentage of votes.

7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 73.501, including the nature and size of such interests and the positions held.

1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			



Section 11 - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☐ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☐ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☐ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☐ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☐ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.